

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Darren Lloyd, #63957-019,)	
)	
Petitioner,)	
)	Civil Action No. 2:15-2146-RMG
vs.)	
)	
L.R. Thomas, Warden)	
)	
Respondent.)	
)	
)	

This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that this petition, brought pursuant to 28 U.S.C. § 2241, be summarily dismissed without prejudice and without issuance and service of process. (Dkt. No. 10). Petitioner was advised of his right to submit written objections to the R & R within 14 days of the date of service of the R & R, and the failure to submit timely objections could result in limited review by the District Court and waiver of the right to appeal. (*Id.* at 6). Petitioner has filed no written objections to the R & R.

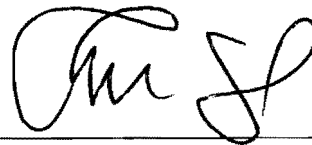
This matter was initially assigned to the Magistrate Judge for pre-trial handling. 28 U.S.C. § 636(b); Local Civil Rule 73.02(B)(2)(d). The Magistrate Judge issued a R & R to this Court dated August 4, 2015, recommending the case be summarily dismissed with no service of process because a habeas petition under 28 U.S.C. § 2241 is not a proper vehicle to bring a claim challenging a prisoner’s conditions of confinement.

The Magistrate Judge makes only a recommendation to this Court. The recommendation

has no presumptive weight, and the responsibility for making a final determination rests with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination of those portions of the R & R to which specific objection has been made. The Court may “accept, reject or modify, in whole or in part, the findings and recommendations” of the Magistrate Judge. 28 U.S.C. § 636(b)(1).

As the Magistrate Judge correctly observed, Plaintiff’s claims, which concern the medical care he has received while in the custody of the Bureau of Prisons, should be brought as a civil rights cause of action, and there is no jurisdiction in this Court for such claims as a habeas action. Therefore, the Court **ADOPTS** the R & R of the Magistrate Judge as the order of the Court. The action is hereby summarily dismissed without prejudice and without issuance or service of process.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

August 27 2015
Charleston, South Carolina